The Chesapeake and Delaware Canal

ITS PURPOSE
ITS NEEDS
ITS POSSIBILITIES

A Memorial of the Chesapeake and Delaware Canal Company

TO THE

Legislature of Maryland

for the right to charge tolls on passengers carried through the canal, and also to complete the power to be a transportation company conferred upon it by the State of Delaware

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December 12, 1905.

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OFFICERS AND DIRECTORS

OF THE

Chesapeake and Delaware Canal Company

DIRECTORS

R. Dale Benson
Hood Gilpin
Andrew Gray
John Cadwalader
George Harrison Fisher
Bernard Gilpin
Charles Chauncey
Archibald R. Montgomery
Henry Pratt McKean
Emlen Hutchinson
Richard Vaux Buckley
James Logan Fisher
Charles Chauncey Savage
Joseph E. Gillingham

Secretary and Treasurer
Coleman L. Nicholson

President
Frank L. Neall

General 4231 Pamphlet Collection

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TABLET ERECTED BY THE

Chesapeake and Delaware Canal Company

to commemorate the devoted services of the founders and builders of the Canal

The construction of this canal was begun on the 15th of April 1824 by Silas E. Weir, the Chairman of the first Committee of Works, whose zealous and efficient services to the Company terminated with his life on the 14th day of May 1828. He was succeeded by Robert M. Lewis under whose active supervision the work was continued and finished.

In its progress through the eastern level large sections of embankment sunk 100 feet below the adjoining surface and the bottom of the excavation rose 40 feet above its natural position. On the deep cut more than 375,000 cubic yards of earth slipped from the regulated slopes of the sides and passed into the chamber of the canal. These and many other difficulties having been overcome, the water was introduced on the 4th of July 1829 and the official accomplishment of this great national work was celebrated on the 17th of October of the same year at which time the navigation was opened.

This Tablet
is erected by the Proprietors
of the
CHESAPEAKE & DELAWARE CANAL
to commemorate its completion
on the 17th of October 1829
and
to stand as a
testimonial of their gratitude
to
James C. Fisher, President
and
Thomas P. Cope, John K. Kane, Robert M. Lewis, Isaac C. Jones, Ambrose White and William Platt, Directors of the Company.

Secretary & Treasurer, H. D. Gilpin
Engineer in Chief, Benjamin Wright
Engineer Resident, Daniel Livermore
Superintendent, Caleb Newbold, Jr.

Length of Canal 13⅝ miles

Width at water line 66 feet

Width at bottom 36 feet

Depth of water 10 feet

Depth of excavation at Summit 76½ feet

Extreme width of section at surface 366 feet

Excavation from deep cut 3,500,000 cubic yards

Length of locks 100 feet

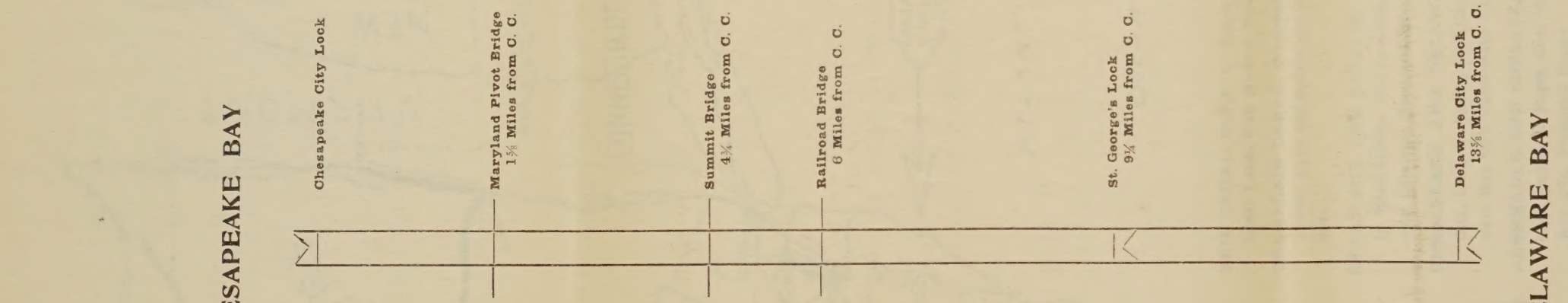
Width of locks 22 feet

Length of Summit Bridge 247 feet

Height above bottom of canal 90 feet

Total cost $2,250,000, of which $450,000 was paid by United States, $100,000 by the State of Pennsylvania, $50,000 by the State of Maryland, $25,000 by the State of Delaware, and the residue by citizens of Pennsylvania, Maryland and Delaware.

DIAGRAM OF CHESAPEAKE AND DELAWARE CANAL



STATISTICS OF CHESAPEAKE AND DELAWARE CANAL

Charter granted by Maryland ..... December 7, 1799

Work commenced on construction of main Canal ..... April 15, 1824

Canal opened to navigation ..... October 17, 1829

Cost of Canal { Stock, $1,903,238.00 / Bonds, 2,602,950.00 } $4,505,000

Total number of vessels passed through Canal since its opening ..... 708,000 vessels

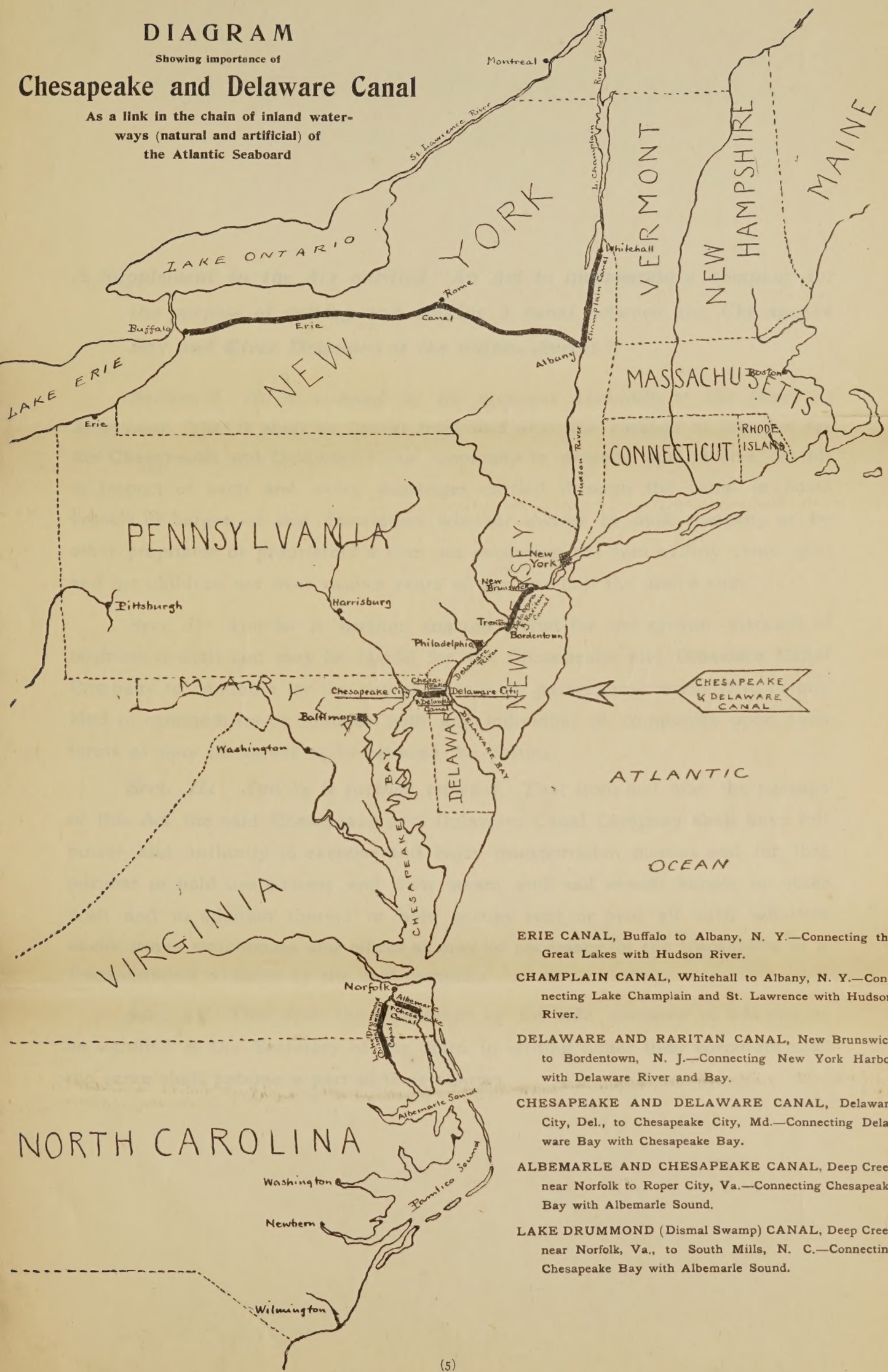
Total tonnage of merchandise carried through Canal ..... 46,000,000 tons

DIAGRAM

Showing importance of

Chesapeake and Delaware Canal

As a link in the chain of inland waterways (natural and artificial) of the Atlantic Seaboard



ERIE CANAL, Buffalo to Albany, N. Y.—Connecting the Great Lakes with Hudson River.

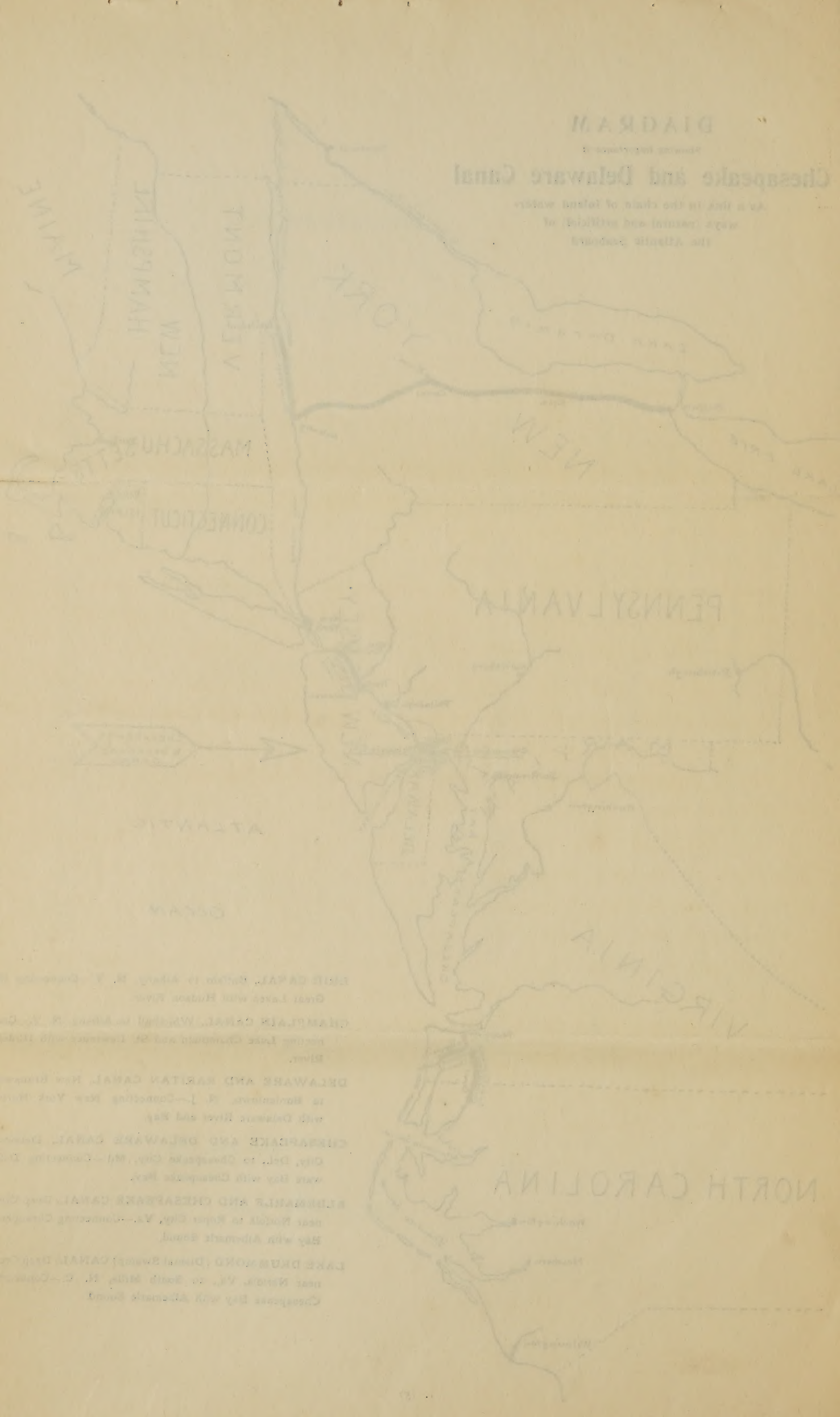
CHAMPLAIN CANAL, Whitehall to Albany, N. Y.—Connecting Lake Champlain and St. Lawrence with Hudson River.

DELAWARE AND RARITAN CANAL, New Brunswick to Bordentown, N. J.—Connecting New York Harbor with Delaware River and Bay.

CHESAPEAKE AND DELAWARE CANAL, Delaware City, Del., to Chesapeake City, Md.—Connecting Delaware Bay with Chesapeake Bay.

ALBEMARLE AND CHESAPEAKE CANAL, Deep Creek near Norfolk to Roper City, Va.—Connecting Chesapeake Bay with Albemarle Sound.

LAKE DRUMMOND (Dismal Swamp) CANAL, Deep Creek near Norfolk, Va., to South Mills, N. C.—Connecting Chesapeake Bay with Albemarle Sound.



A Supplement to the Act entitled "An Act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and River Delaware or the waters thereof."

Section I Be it enacted by the General Assembly of the State of Maryland That it shall be lawful from and after the passage of this Act for the Chesapeake and Delaware Canal Company to demand and receive as toll in respect of each and every passenger carried through the canal in boats vessels or barges of any description whether owned by said company or by other proprietor or proprietors a sum not exceeding the sum of fifty cents (50c) and for children not over twelve years of age one-half the above sum.

Sect. II And be it further enacted That for the greater dispatch of business it shall and may be lawful for the Chesapeake and Delaware Canal Company to commute for the charge of tolls on passengers merchandise or any kind of commodities or produce with any individual or companies upon such terms as may be agreed upon between the parties.

Sect. III And be it further enacted That from and after the passage of this Act the said Chesapeake and Delaware Canal Company shall have full power and authority to exercise and enjoy transportation powers and for that purpose to hold use possess and own steam and sail vessels barges or other craft and in addition thereto to hold occupy rent or own all such wharves docks stores storehouses and offices as may be necessary for the transaction of a transportation business by the said company.

Sect. IV That upon the acceptance by the said company of this Act to be signified to the Secretary of the State in writing under their corporate seal the same shall become a part of their charter.

Chesapeake & Delaware Canal Co.

OFFICE, 528 WALNUT STREET

PHILADELPHIA, December 12, 1905.

Memorial to the Honorable the Senate and House of Delegates of Maryland:

In granting a charter to the CHESAPEAKE & DELAWARE CANAL COMPANY, December 7, 1799, the Legislature of Maryland sought, primarily, the benefit to accrue to your state from a water highway, affording cheap competitive transportation to the persons and property of its citizens. In recognition of this object, the state itself became a stockholder in the company to the extent of 1625 shares. For 1000 of these, the state subscribed $50,000, and subsequently received 625 shares in stock dividends. On these 1625 shares, which it still holds, the State of Maryland, up to 1876, realized in cash dividends from the Canal Company, $34,562.50.

The high character and reputation of the men then and since identified with the building and operation of the canal was, and is, a guarantee that the beneficent purpose of this original legislation should be effectively carried out. Many of the best known names in your state have appeared on the roll of its officers, directors and stockholders.

The government of the United States early recognized the strategic advantage of the canal as a link in some of the chief waterways of the country between the North and the South, and subscribed $450,000 to the capital stock of the Company. The wisdom of this action was demonstrated during the Civil War, when the transportation facilities of the railroads proved entirely inadequate, and the canal was able to render large and important service to the United States government by offering a medium for the carriage of urgently needed supplies, troops and munitions of war.

Actual work on the construction of the main canal was begun on the 15th of April, 1824. Water was introduced on the 4th of July, 1829, and the official accomplishment of this great state and national work was celebrated on the 17th of October of the same year, at which time the navigation was opened. Thus, the canal has now been in operation 76 years, and during that time there have been 708,000 passages of vessels through its waters, representing a magnificent total of 46,000,000 tons of merchandise carried.

The business of the canal increased until the year 1872, which showed a tonnage of 1,318,000 tons. Since that time the business has decreased, the tonnage for the fiscal year 1905 was only 700,000 tons. The revenue has correspondingly declined, as the rate of tolls could not be increased to offset the diminished traffic.

In this connection we cite:

Tolls Authorized Under Charter, December 7, 1799	Tolls Imposed Chesapeake & Delaware Canal Tariff of 1905 are
WHEAT, 4c. per bushel.	WHEAT, 1c. per bushel.
COAL, 29c. per ton.	COAL, 18c. per ton.
LUMBER, 63c. per 1000 feet.	LUMBER, 30c. per 1000 feet.
PIG IRON, $1 per ton.	PIG IRON, 20c. per ton.

The present low tariff of tolls has naturally inured to the benefit of the public, but has aided in a serious decrease in the earning capacity of the canal, so that the Company has closed the year just past with a deficit of $2900, and during the last eleven years its earnings have not equaled its expenses and the interest on its bonds, the total deficit for that period having been $11,687.31.

The bonded indebtedness of the Company calls for interest at the rate of five per cent., but since the year 1893 the Company has been unable to pay more than four per cent., and, as stated, even this reduced amount (which has been accepted by the courtesy of the bondholders) has not been fully earned.

During all these years, the public has benefited largely by the operation of the canal; the stockholders since 1876 not at all. This state of things cannot, of course, continue indefinitely. Any business, whether controlled by an individual or a corporation, must, at least, earn its expenses or in time cease to be operated.

As the Company has continued to render an important service to the public in the face of a decrease in tonnage and the low rate of tolls, which have resulted in an actual deficit extending over a period of many years, it naturally feels that it is unjust that it should be longer deprived of the right to receive any revenue from a large part of the important services it renders. The Company has always believed that it was entitled to charge tolls for the transportation of passengers, and that if this right is not specially mentioned in its charter, it is, nevertheless, a logical deduction therefrom. It believes that this right can only be contested by private, selfish interests, who may desire a monopoly, and who might, otherwise, deprive the public of the opportunity for cheap local and through transportation which this waterway should assure them.

A canal is a water turnpike. Its receipts are from tolls. It differs from the ordinary road turnpike in that the operation of its gates, and the maintenance of its way, are vastly more expensive. It also differs in that tolls are charged not on the vehicle and power, say the wagon and horse, as in land pikes, but on the commodities carried through; consequently, if part of the load is exempt from tolls while the service rendered by the canal remains the same, the tolls received are diminished in exact proportion to the amount so exempted, and this may be so great as to reduce the receipts of the canal below the cost of the service rendered, not only to the detriment of the canal, but an unjust discrimination against freighters, no part of whose cargo is exempt. Now, under our present limitation, this is exactly what takes place in the case of all passenger vessels that use the canal.

Is it either *just* or *equitable* that the Canal Company should longer be denied the right to make a reasonable toll charge on passenger traffic transported over its waterway?

The demand for the right to charge a toll on passengers must appeal to the fair minded as all the more reasonable, from the fact that the passenger traffic of the chief transportation company using the canal frequently realizes for that company a larger net revenue per vessel than their vessels simultaneously carrying merchandise on freight.

The Chesapeake & Delaware Canal shortens the distance between Baltimore and Philadelphia, say from 420 miles by the Bay and outside route, *to* 110 miles through availing of medium of canal route.

In other words, irrespective of unusual delays always liable to be encountered on the outside route, a steamer can cover the distance via canal in 14 hours, and via the outside route in not less than 40 hours.

The stockholders of the Canal Company have received dividends in but eleven of the eighty-one years in which their money has been invested, and the holders of its loan have now to be contented with four per cent. interest.

In asking your honorable bodies to grant us the right to charge toll for passengers carried through the canal, the Company feels that it is only seeking authority to do that to which it is justly entitled, and of which it has been deprived only by an unintentional oversight on the part of those who framed the original legislation, and who failed to specifically mention this particular feature. The Company also asks in the bill presented that the State of Maryland grant to it the same transportation powers which have already been granted to the Company by the State of Delaware in an Act of the General Assembly of the State of Delaware, approved February 1, 1877, a copy of which is attached to this Memorial. It is certainly to the interest of the State of Maryland to uphold the integrity and usefulness of the canal, in which it holds 1625 shares of stock. It is identified with its history and its prominent citizens. It is important to the public as affording cheap water-borne transportation facilities for the

products of its manufactories and the output of its mines and soil. If maintained and fostered now, it will naturally develop with the increasing demands of commerce for water transportation, and afford greater facilities in the future than it does at present.

We think it is also the duty of the State to preserve this canal, which is one of its oldest wards:

First. To afford its own citizens the advantages sought in previous legislation, which are being crippled by denying to the canal its natural right to obtain a revenue from all that it carries.

Second. In the interest of the whole country to keep open, and in efficient condition for service, this important link between the waterways of the North and South.

We respectfully submit, herewith, to your honorable bodies a draft of the legislation desired, and ask for it your most careful consideration and ultimate affirmative action.

THE CHESAPEAKE & DELAWARE CANAL COMPANY,

By FRANK L. NEALL, *President.*

COLEMAN L. NICHOLSON, *Secretary.*

EXTRACTS FROM THE LAWS

RELATIVE TO THE

Chesapeake and Delaware Canal Company

PASSED BY THE

LEGISLATURE OF THE STATE OF MARYLAND

I. LAWS OF MARYLAND

I. ACT PASSED 7 DECEMBER, 1799. RECORDED LIB. I. G. No. 3. FOL. 254.

An Act to incorporate a Company for the purpose of cutting and making a Canal between the River Delaware and the Chesapeake Bay.

Maryland. 7 Dec. 1799.

WHEREAS, The opening of the communication between the bay of Chesapeake and the river Delaware by means of a canal will be attended with very beneficial effects to those parts of the State of Maryland that lie on the bay of Chesapeake and on the waters that empty themselves into the said bay as also to the agricultural interest thereof in general and many persons are willing to subscribe large sums of money to effect so useful a work and it being just and proper that they their heirs and assigns should be empowered to receive reasonable tolls forever as a compensation for the money advanced by them in carrying the work into execution and the risque they incur.

Preamble.

General benefit of a canal

induces many to subscribe,

who are entitled to a compensation.

SECT. II. *Be it enacted by the General Assembly of Maryland* That it shall be lawful to open books for receiving and entering subscriptions to the amount of five hundred thousand dollars in shares of two hundred dollars each share for the cutting said canal and perfecting the navigation thereof under the management of Tobias Rudolph and William Alexander at Elkton in Cecil County Dr. William Matthews and Samuel Davis at the head of Sassafras in Kent County Richard Tilghman and William Barroll at Chestertown in Kent County Richard Tilghman Earle and James Clayland, junior at Centreville in Queen Ann's County and James Earle, junior and Owen Kennard at Easton in Talbot County and under the management of such persons and at such places in Delaware and Pennsylvania as shall be appointed by acts of the Legislature of those states that the said books shall be opened on the first day of March eighteen hundred and shall continue open for this purpose until the first day of March eighteen hundred and one and on the first day of May thereafter there shall be a general meeting of the subscribers at the town of Wilmington in the state of Delaware of which meeting notice shall be given by the said managers or any four of them in some of the Maryland Delaware and Pennsylvania newspapers at least thirty days before the said meeting *Provided* That if the same time of receiving subscriptions and of meeting shall not be appointed by all the said states then there shall be a meeting of the subscribers at the time by them appointed at the place aforesaid notice whereof to be given as aforesaid and the subscriptions made at the times and places appointed by the states of Delaware and Pennsylvania shall then be received and such meeting may and shall be continued from day to day till the business is finished and the acting managers at the time and place aforesaid shall lay before such of the subscribers as shall meet according to the said notice the books by them respectively kept containing the state of the said subscriptions and if one half of the capital sum aforesaid should upon examination appear not to have been subscribed then the said managers at the said meeting are empowered to take and receive subscriptions to make up the deficiency and a just and true list of all the subscribers with the sums subscribed by each shall be made out and returned by the said managers or any four or more of them under their hands to the General Court for the eastern and western shores of Maryland and the Supreme Courts of Delaware and Pennsylvania to be there kept and recorded and in case more than five hundred thousand dollars shall be subscribed then the same shall be reduced to that sum by the said managers or a majority of them by beginning at and striking off a share from the largest subscription or subscriptions and continuing to strike off a share from all subscriptions under the largest and above one share until the sum is reduced to the capital of five hundred thousand dollars or until a share is taken from all subscriptions above one share and lots shall be drawn between subscribers of equal sums to determine the numbers in which such subscribers shall stand on a list to be made for striking off as aforesaid and if the sum subscribed still exceeds the capital aforesaid then to strike off by the same rule until the sum subscribed is reduced to the capital aforesaid or all the subscriptions are reduced to one share and if there still be an excess then lots to be drawn to determine the subscribers who are to be excluded to reduce the subscriptions to

Books may be opened for subscriptions to amount of $500,000, in shares of $200 each, under management of Tobias Rudolph and others,

on 1st March, 1800, to remain open one year; and on 1st May 1801 there shall be a general meeting of the subscribers, at Wilmington;

before which, the managers shall lay the subscription books

and record the names of subscribers in Maryland, Delaware and Pennsylvania;

but if more than 500,000 dollars be subscribed, shares shall be struck off.

the capital aforesaid which striking off shall be certified in the list aforesaid and no person shall subscribe less than one whole share *Provided* That unless two hundred and fifty thousand dollars of said capital shall be subscribed as aforesaid all subscriptions made in consequence of this act shall be void and in case two hundred and fifty thousand dollars and less than the whole of said capital shall be subscribed as aforesaid then the president and directors appointed as herein after mentioned are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid until the deficiency shall be made up a certificate of which additional subscriptions shall be made under the hands of a majority of them and returned to and recorded in the Courts herein before mentioned.

No one shall subscribe less than one share—and unless $250,000 are subscribed, the whole is void.

SECT. III. *And be it enacted* That in case one-half of the said capital or a greater sum shall be subscribed as aforesaid the said subscribers and their heirs and assigns from the time of their said first meeting shall be and are hereby declared to be incorporated by the name of the Chesapeake & Delaware Canal Company and may have perpetual succession and sue and be sued as such and such of the said subscribers as shall be present at the said meeting or a majority of them are hereby empowered and required to elect a president and nine directors for conducting directing and completing said canal and managing the business of the said company for and during such time not exceeding five years as the said subscribers or a majority of them shall think proper and every subscriber shall be allowed one vote for every share not exceeding five shares and one vote for every three shares above ten held by him or her in the said company and any stockholder by writing under his or her hand and seal executed in the presence of two witnesses may depute any other member or stockholder to vote and act as his or her proxy at any general meeting.

If there be subscribers sufficient, they are incorporated into the Chesapeake and Delaware Canal Company, with corporate powers—to choose a president and nine directors for not more than five years

by a vote of each subscriber in person or by proxy duly appointed.

SECT. IV. *And be it enacted* That the said president and directors so elected and their successors or a majority of them assembled shall have full power and authority to agree with any person or persons on behalf of the said company to cut such canals and erect such locks and perform such other works as they shall judge necessary for opening improving and extending the navigation between the bay of Chesapeake and the river Delaware and carrying on the same from place to place and from time to time and upon such terms and in such manner as they shall think fit and out of the money arising from the subscriptions and the tolls and other aids herein after given to pay for the same and to repair and keep in order the said canals locks and other works necessary thereto and to defray all incidental charges and also to appoint a treasurer clerk and such other officers toll-gatherers managers and servants as they shall judge requisite and to agree for and settle their respective wages or allowances and settle pass and sign their accounts and also to make and establish rules of proceeding and to transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same and they shall be allowed as a satisfaction for their trouble therein such sum of money as shall by a general meeting of the subscribers be determined *Provided always* that the treasurer shall give bond in such penalty and with such security as the said President and directors or a majority of them shall direct for the true and faithful discharge of the trust reposed in him and that the allowance to be made to him for his services shall not exceed five dollars in the hundred for the disbursements by him made and that no officer in the said company shall have any vote in the settlement of passing his own account.

The president and directors to employ persons to execute a canal.

and to keep it in order—

appoint proper officers,

transact all necessary business,

and take security from the treasurer.

SECT. V. *And be it enacted* That the said president and directors and their successors or a majority of them shall have full power and authority from time to time as money shall be wanted to make and sign orders for that purpose and direct at what time and in what proportion the proprietors shall advance and pay the sums subscribed which orders shall be advertised at least three months in some of the Maryland Delaware and Pennsylvania newspapers and they are hereby authorized and empowered to demand and receive of the several proprietors from time to time the sums of money so ordered to be advanced for carrying on and executing or repairing or keeping in order the said works until the sum subscribed shall be fully paid and to order the said sums to be deposited in the hands of the treasurer to be by him disbursed and paid out as the president and directors or a majority of them shall order and direct and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the time of payment so ordered and advertised as aforesaid the said president and directors or a majority of them may sell at auction and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment giving at least three months notice of the sale in some of the Maryland Delaware and Pennsylvania newspapers and after retaining the sum due and charges of sale out of the money produced thereby they shall refund and pay the overplus if any to the former owner and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid with the incidental charges the said president and directors or a majority of them may in the name of the company sue for and recover the balance by action of debt or on the case and the said purchaser or purchasers shall be subject to the same rules and regulation as if the said sale and conveyance had been made by the original proprietor *Provided* That in the case of the death of any stockholder the neglect or refusal of his executor administrator or legatee to make the payment that may be required as aforesaid shall not have the effect to forfeit immediately the said share or shares held by the said stockholder

They shall also call for the instalments of the subscribers

on giving due notice

and if they refuse to pay them for one month

they may sell their shares

except in the case of executors, &c. where they shall allow a year.

in his life time but the said executor administrator or legatee shall have one whole year next after the day of the said death to make the payments required.

SECT. VI. And to continue the succession of the said president and directors and to keep up the same number *Be it enacted* That from time to time upon the expiration of the said term for which the said president and directors were appointed the proprietors of the said company at the next general meeting shall either continue the said president and directors or any of them or choose others in their stead and in case of the death removal resignation or incapacity of the president or any of the said directors may and shall in manner aforesaid elect any other person or persons to be president and directors in the room of him or them so dying removing or resigning or becoming incapable and may at any of their general meetings remove the president or any of the directors and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

The proprietors may elect new president and directors when their time has expired,

or may remove them at any general meeting.

SECT. VII. *And be it enacted* That every president and director before he acts as such shall take an oath or affirmation for the due execution of his office.

SECT. VIII. * * * after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges an equal dividend of all the net profits arising from the tolls hereby granted shall be ordered and made to and among all the proprietors of the said company in proportion to their several shares *Provided nevertheless* That whenever the net profits arising from said tolls shall exceed thirty per cent. the said president and directors shall account annually to and with the states of Maryland and Delaware for the surplus and the same shall be equally divided between the said states * * * .

The President and Directors may declare dividends,

but when these dividends exceed 30 per cent. the surplus shall be divided between Delaware and Maryland.

SECT. IX. *And be it enacted* That for and in consideration of the expenses the said stockholders will be at not only in cutting the said canal and other works for opening the said navigation but in maintaining and keeping the same in repair the said canal and works with all their profits under the limitations aforesaid shall be and the same are hereby vested in the said corporation forever and that it shall and may be lawful for the said president and directors after the said canal shall be made navigable to demand and receive the following tolls at such place or places in the canal as they may hereafter direct *Provided* That the whole toll received shall not amount to more than the rates fixed by this act *that is to say* Every pipe of wine or French brandy containing more than one hundred and twenty gallons one dollar and twenty-five cents Every hogshead of rum or other spirits one dollar Every hogshead of tobacco one dollar Every hogshead of beer cider rice or molasses seventy-five cents Every barrel twenty-five cents and all other casks or kegs in proportion according to the quantity and quality of their contents for casks of linseed oil same as spirits Every bushel of wheat peas beans or flaxseed four cents Every bushel of Indian corn or other grain or salt two cents Every barrel of pork beef or fish thirty cents Every barrel of flour twenty cents Every ton of hemp flax pot-ash bar or manufactured iron two dollars Every ton of pig iron or castings one dollar Every ton of copper lead or other ore other than iron ore one dollar Every ton of stone or iron ore fifty cents Every chaldron of coal thirty-seven cents Every hundred pipe or hogshead staves or pipe or hogshead heading ten cents Every hundred barrel staves or barrel heading six cents Every thousand shingles two feet long or more seventy-five cents Every thousand shingles less than two feet long fifty cents Every hundred cubic feet of plank or scantling seventy-five cents Every hundred cubic feet of other timber forty cents Every gross hundred weight of all other commodities or packages ten cents and for all other commodities the same proportion agreeable to the articles herein enumerated and every boat or vessel which has not commodities on board to pay the sum of four dollars shall pay so much as with the commodities on board will yield the sum aforesaid and every empty boat or vessel four dollars except an empty boat or vessel returning whose load has already paid the tolls affixed in which case she shall repass toll free *Provided* Such boat or vessel shall return within fourteen days after paying said tolls. (Present rates on grain, iron coal etc)

The President and Directors are authorized to demand and receive certain tolls not exceeding a fixed amount on wine,

oil,

pork,

and various other articles,

and on all empty boats.

SECT. X. *And be it enacted* That in case of refusal or neglect to pay the toll at the time of offering to pass through the said canal and previous to the vessel's passing through the same collectors of the said tolls may lawfully refuse passage to such vessel and if any vessel shall pass without paying the said toll then the said collectors may seize such vessel wherever found and sell the same at auction for ready money which so far as is necessary shall be applied towards paying said tolls and all expenses of seizure and sale and the balance if any shall be paid to the owner and the person having the direction of such vessel shall be liable for such toll if the same is not paid by the sale of such vessel as aforesaid *Provided* That the said proprietors or a majority of them holding at least five hundred shares shall have full power and authority at any general meeting to lessen the said tolls or any of them *Provided also* That the same rate of tolls shall be paid on articles passing from Chesapeake to Delaware as upon those paid from Delaware to Chesapeake.

And if these tolls are not paid the vessel may be refused a passage,

or be seized and sold.

These tolls may be lessened by a general meeting,

and shall always be the same in whichever direction a vessel passes.

SECT. XI. *And be it enacted* That the said canal and the works to be erected thereon in virtue of this act when completed shall forever thereafter be esteemed and taken to be navigable as a public highway free for the transportation of all goods commodities or pro-

The canal to be a public highway, free for all goods on payment of toll.

duce whatsoever on payment of the toll imposed by this act and no toll or tax whatever for the use of the water of the said canal and the works thereon erected shall at any time hereafter be imposed by all or either of the said states.

SECT. XII. *And whereas* it is necessary for the making the said canal and supplying the same with water that provision should be made for condemning a quantity of land for these purposes *Be it enacted* That it shall and may be lawful for the said president and directors or a majority of them to purchase from the owners thereof any land through which the said canal is intended to pass or through which it may be necessary to supply water to the same and in case of disagreement or in case the owner thereof shall be a feme covert under age non compos or out of the state on application to any two justices of the county in which such land shall lie the said justices shall issue their warrant under their hands to the sheriff of their county to summon a jury of eighteen inhabitants of his county of property and reputation not related to the parties nor in any manner interested to meet on the land to be valued at a day to be expressed in the warrant not less than ten nor more than twenty days thereafter and the sheriff upon receiving the said warrant shall forthwith summon the said jury and when met shall administer an oath or affirmation as the case may require to every juryman that shall appear that he will faithfully and impartially value the land and all damages the owner thereof shall sustain by the cutting the canal through the said land according to the best of his skill and judgment and that in such valuation he will not favour any person nor any person aggrieve for hatred malice or ill-will and the inquisition thereupon taken shall be signed by the sheriff and some twelve or more of the jury and returned by the sheriff to the clerk of his county to be by him recorded and upon every such valuation the jury are hereby directed to describe and ascertain the bounds of the land by them valued and their valuation shall be conclusive on all persons and shall be paid by the said president and directors to the owner of the land or his legal representative before they shall take possession of said land and on the payment thereof the said company shall be seized in fee of said land as if conveyed by the owner to them and their successors in fee by legal conveyance *Provided nevertheless* That if any farther damage shall arise to any proprietor of land in consequence of opening such canal or in erecting such works than had been before considered and valued it shall and may be lawful for such proprietor as often as any such new damage shall happen by application to and warrant from any two justices of the county where the lands lie to have such further damage valued by a jury in like manner and to receive and recover the same of the said president and directors but nothing herein shall be construed or taken to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills forges or other works or improvements which shall be begun or erected by such proprietor after such valuation unless the same damage is wilfully or maliciously done by the said president and directors or by some person by their authority.

The President and Directors may purchase land for the canal, but in case of disagreement, or the owner being incapable to sell or absent, they may apply to two justices, who shall have an inquest summoned

to value the land and assess the damages,

whose inquisition on being recorded, shall be final, and on paying the sum awarded, the company shall hold the lands in fee.

And if further damage occur, it shall be valued in like manner,

but no damages shall be allowed for works erected since the valuation.

SECT. XIII. *And be it enacted* That the said president and directors or a majority of them are hereby authorized to agree with the proprietors for the purchase of a quantity of land not exceeding one acre at or near each of the said places of receipt of tolls aforesaid for the purpose of erecting necessary buildings and in case of disagreement or any of the disabilities aforesaid or the proprietor being out of the state then such land may be valued condemned and paid for as aforesaid for the purpose aforesaid and the said company shall upon payment of the valuation of the said land be seized thereof in fee simple as aforesaid.

The President and Directors may purchase or condemn in the said form an acre for each toll house.

SECT. XIV. *And be it enacted* That it shall and may be lawful for every of the said proprietors to transfer his share or shares by deed executed before two witnesses and registered after proof of the execution thereof in the said company's books and not otherwise except by devise which devise shall also be exhibited to the president and directors and registered in the said company's books before the devise or devises shall be entitled to draw any part of the profits from the said tolls *Provided* That no transfer whatsoever shall be made except for one or more whole share or shares and not for part of such shares and that no share shall at any time be sold conveyed transferred or held in trust for the use and benefit or in the name of another whereby the said president and directors or proprietors of the said company or any of them shall or may be challenged or made to answer concerning any such trust but that every person appearing as aforesaid to be proprietor shall as to the others of the said company be to every intent taken absolutely as such but as between any trustee and the person for whose benefit any trust shall be created the common remedy may be pursued.

The proprietors may transfer their share by deed

or devise registered in the company's books.

But not less than a whole share shall be transferred, nor shall it be held in trust so as to make the company liable to any other than the trustee.

SECT. XV. *And be it enacted* That if the said capital and the other aids already granted by this act shall prove insufficient it shall and may be lawful for the said company from time to time to increase the said capital by the addition of so many more whole shares as shall be judged necessary by the said proprietors or a majority of them holding at least five hundred shares present at any general meeting of the said company and the said president and directors or a majority of them are hereby empowered and required after giving at least one month's previous notice thereof in some of the Maryland Delaware and Pennsylvania newspapers to open books at such place or places as shall be directed by said meeting for receiving and entering such additional subscriptions in which the proprietors of the said company for the time being shall and are hereby declared to have the preference

A general meeting convened on due notice,

may open books for receiving new subscriptions,

of all others for the first thirty days after the said books shall be opened as aforesaid of taking and subscribing for so many whole shares as any of them shall choose and the said president and directors are hereby required to observe in all other respects the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions and in like manner to return under the hands of any four or more of them an exact list of such additional subscribers with the sums by them respectively subscribed into the General Courts as aforesaid to be there recorded and all proprietors of such additional shares shall be and they are hereby declared to be from thenceforward incorporated into the said company.

on which the old stockholders shall have a preference for 30 days,

in other respects the same rules are to be observed as in receiving the first subscriptions.

SECT. XVI. *And be it enacted* That if the stockholders or the president and directors aforesaid should neglect or omit or be by an accident prevented from performing any act or thing on the particular day on which it shall be directed by this act to be done and performed such neglect or omission shall not be construed or taken in any manner to destroy or invalidate this charter but the said act may be done at the next convenient day.

But if any act be not done on the day appointed the charter shall not be affected.

SECT. XVII. *And be it enacted* That whenever said canal shall cross any public road it shall be the duty of said company at the proper expense of the same to make and keep good and sufficient bridges across said canal so as to prevent any inconveniences in the usage of said road or roads by reason of said canal crossing the same.

Bridges shall be made where the canal crosses public roads.

SECT. XVIII. *Provided* That this law shall be of no force or effect until a law be passed by the state of Delaware authorizing the cutting the canal aforesaid and until a law shall be passed by the Legislature of Pennsylvania declaring the river Susquehanna to be a highway and authorizing individuals or bodies corporate to remove obstructions therein at a period not exceeding three years from the first day of March eighteen hundred.

In order to give this law effect, a certain law must be passed by the state of Pennsylvania.

I. 2. ACT PASSED 18 DECEMBER, 1812.

Chapter eighty-four.

A Supplement to the Act, entitled, "An Act to incorporate a Company for the purpose of cutting and making a Canal between the River Delaware and Chesapeake Bay."

WHEREAS during the time of war against the United States of America the completion of the work of the Chesapeake & Delaware Canal would be greatly beneficial to the United States by forming a great link of an inland navigation of six or seven hundred miles and thereby establish a perfectly safe easy and rapid transportation of our armies and the munitions of war through the interior of the country and which would ever tend to operate as a cement to the union between the states And whereas the prosperity and the agricultural interest of the state of Maryland the commonwealth of Pennsylvania and the Delaware state are more deeply interested than their sister states in the useful work of opening a communication between the Chesapeake bay and the river Delaware by means of the said Chesapeake and Delaware canal Therefore in order to enable the president and directors of the said canal to prosecute and finish the important work of the said Chesapeake and Delaware Canal—

As the Chesapeake and Delaware Canal would not only be greatly beneficial to the Union,

but especially so to Maryland, Delaware and Pennsylvania,

SECT. I. *Be it enacted by the General Assembly of Maryland* That if the United States shall subscribe seven hundred and fifty shares the commonwealth of Pennsylvania three hundred and seventy-five shares the state of Delaware one hundred shares in the Chesapeake and Delaware Canal Company in such case the treasurer of the Western Shore be and is hereby authorized and directed to subscribe in behalf of this state two hundred and fifty shares in said company. And the money necessary to be paid in consequence of such subscription shall be paid by this state and the treasurer of the Western Shore for the time being shall have a right to vote for president and directors of said company according to such number of shares in person or by proxy appointed by him and the said treasurer shall receive upon the said stock the proportion of the tolls which shall from time to time be due to the state for the shares aforesaid.

if the U. States subscribe 750 shares, Pennsylvania 375, and Delaware 100 to its stock, then the treasurer of the Western Shore of Maryland is to subscribe 250 shares in the said company, and shall be entitled to vote and receive dividends thereon.

Act passed March 14, 1829. (Copy of Maryland Bill, No. 180, deposited in and belonging to the office of the Court of Appeals for the Western Shore of Maryland.)

Maryland. 14 March 1829.

An additional supplement to an Act, entitled, "An Act to iucorporate a company for the purpose of making and cutting a Canal between the River Delaware and the Chesapeake Bay."

SECT. III. *And be it enacted,* That for securing the more convenient and safe navigation of Broad and Back Creeks into which the said canal enters, it shall and may be lawful for the said President and Directors to enact from time to time such rules and regulations for the government of vessels navigating the same as may by them be judged necessary and proper for the purposes aforesaid, and to enforce conformity thereto in the manner herein before specified.

The President and Directors may make rules for the government of vessels navigating the canal, and enforce conformity thereto.

Law passed by the State of Delaware giving transportation powers to the Chesapeake and Delaware Canal Company, which the present amendment is intended to complete by securing the sanction of the State of Maryland.

Delaware. 1 February 1877.

SECT. I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met* (two-thirds of each branch concurring therein) That from and after the passage of this act the Chesapeake and Delaware Canal Company shall have full power and authority to exercise and enjoy transportation powers, and for that purpose to hold use possess and own steam and sail vessels barges and other craft and in addition thereto to hold occupy rent or own all such wharves docks stores storehouses and offices as may be necessary for the transaction of a transportation business by the said Company.

Granting transportation powers to the Canal Company by the State of Delaware.

Passed at Dover, February 1, 1877.

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